

# **Exhibit A**

**From:** [Weitzman, Avi](#)  
**To:** [Monteleoni, Paul \(USANYS\)](#); [Judge Stein's Chambers \(SteinNYSDChambers@nysd.uscourts.gov\)](#); [Laura Blakely \(laura\\_blakely@nysd.uscourts.gov\)](#)  
**Cc:** [Fee, Adam J.](#); [PH-MenendezTeam](#); [llustberg@gibbonslaw.com](#); [Collart, Anne M. \(ACollart@gibbonslaw.com\)](#); [Ricardo Solano Jr. \(rsolano@gibbonslaw.com\)](#); [Cesar de Castro](#); [Seth Agata \(sagata@cdecastrolaw.com\)](#); [vgotlib@cdecastrolaw.com](#); [Mark, Eli \(USANYS\)](#); [Richenthal, Daniel \(USANYS\)](#); [Pomerantz, Lara \(USANYS\)](#); [Ghosh, Catherine \(USANYS\)](#); [Clark, Christina \(NSD\)](#)  
**Subject:** RE: United States v. Menendez, et al., S4 23 Cr. 490 (SHS) -- letter reporting on negotiations concerning Lustberg stipulation  
**Date:** Tuesday, April 16, 2024 1:42:12 PM  
**Attachments:** Redline - 2024.04.16 Lustberg stipulation (for circulation) 2024.04.16 Lustberg stipulation.FINAL (002).pdf  
 image001.png

Dear Judge Stein:

This email responds to the government's letter filed moments ago (Dkt. No. 326). We note that, despite claiming to have met and conferred in good faith, the government did not even respond to our email of 11:04 am forwarding a draft stipulation or otherwise advise the defendants that the stipulation was rejected before filing its letter with the Court.

The government's continued efforts to delay trial, avoid the production of 3500, exhibits, and witness lists, and force an unnecessary and improper disqualification of counsel should be rejected. The government's letter is notably ambiguous as to what statements the government claims are "necessary" in the stipulation that defendants excised. In order to provide full transparency to the Court, please find attached a copy of a redline that reflects the edits that defendants proposed to the government's proposed stipulation (which the government was prepared to sign this morning). Contrary to the government's assertions, Mr. Lustberg has confirmed the accuracy of the statements in defendants' proposed stipulation, and has disputed the complete accuracy of the statements in the government's proposed stipulation. It is apparent from the limited deletions in the Defendants' proposed stipulation that the deletions were made in good faith in order to avoid injecting statements that are not necessary, irrelevant, and/or unfairly prejudicial. In short, the deletions comply with the Court's order that the stipulation must concern "simply the necessary facts." The gulf between the government's proposed stipulation and the Defendants' proposed stipulation (as reflected in the attached redline) is not that wide, yet the government pretends it warrants disqualification and the adjournment of trial. The government's position is purely a tactical effort to delay, which after five years investigating this case, is highly concerning, to say the least.

We are available at the Court's convenience for a conference on this matter. The government should be required to produce their disclosures immediately and proceed to trial.

Respectfully,  
 Avi

**PAUL  
 HASTINGS**

**Avi Weitzman | Partner | Co-Chair – Complex Litigation and Arbitration**  
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**From:** Monteleoni, Paul (USANYS) <Paul.Monteleoni@usdoj.gov>

**Sent:** Tuesday, April 16, 2024 1:16 PM

**To:** Judge Stein's Chambers (SteinNYSDChambers@nysd.uscourts.gov) <SteinNYSDChambers@nysd.uscourts.gov>; Laura Blakely (laura\_blakely@nysd.uscourts.gov) <laura\_blakely@nysd.uscourts.gov>

**Cc:** Fee, Adam J. <adamfee@paulhastings.com>; Weitzman, Avi <aviweitzman@paulhastings.com>; PH-MenendezTeam <PH-MenendezTeam@paulhastings.com>; llustberg@gibbonslaw.com; Collart, Anne M. (ACollart@gibbonslaw.com) <ACollart@gibbonslaw.com>; Ricardo Solano Jr. (rsolano@gibbonslaw.com) <rsolano@gibbonslaw.com>; Cesar de Castro <cdecastro@cdecastrolaw.com>; Seth Agata (sagata@cdecastrolaw.com) <sagata@cdecastrolaw.com>; vgotlib@cdecastrolaw.com; Mark, Eli (USANYS) <Eli.Mark@usdoj.gov>; Richenthal, Daniel (USANYS) <Daniel.Richenthal@usdoj.gov>; Pomerantz, Lara (USANYS) <Lara.Pomerantz@usdoj.gov>; Ghosh, Catherine (USANYS) <Catherine.Ghosh@usdoj.gov>; Clark, Christina (NSD) <Christina.Clark3@usdoj.gov>

**Subject:** [EXT] United States v. Menendez, et al., S4 23 Cr. 490 (SHS) -- letter reporting on negotiations concerning Lustberg stipulation

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Dear Judge Stein,

Attached is a courtesy copy of the letter we just filed on ECF pursuant to the Court's order directing a report on whether the parties had reached agreement on a stipulation.

Respectfully submitted,

Paul M. Monteleoni  
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U.S. Attorney's Office  
Southern District of New York  
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New York, NY 10278  
212-637-2219